

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

**FILED**

**July 15, 2020**

KAREN MITCHELL  
CLERK, U.S. DISTRICT  
COURT

United States of America

v.

JOSE DIAZ FLORES (1),  
MARCIAL CALDERON LOPEZ (2)

Case No.

3:20-MJ-722-BK

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 15, 2020 in the county of Dallas in the  
Northern District of Texas, the defendant(s) violated:

*Code Section*

21 USC 846


*Offense Description*

Conspiracy to Possess with the Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See attached Affidavit of DEA TFO David Roach

☐ Continued on the attached sheet.



*Complainant's signature*

David Roach, DEA TFO

*Printed name and title*

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 4.1.

Date: July 15, 2020



*Judge's signature*

City and state: Dallas, Texas

RENÉE HARRIS TOLIVER, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

I, David Roach, a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), Dallas, Texas, being duly sworn, state:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) who is authorized by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I am currently employed by the Dallas Police Department as a Detective, and have been so employed by the Dallas Police Department since 2007. I am currently assigned to the DEA North Texas OCDETF Strike Force, Group 1, as a deputized Task Force Officer and have been so assigned since November 2016. During my employment as a TFO, I have used a variety of methods during drug related investigations, including, but not limited to, visual surveillance, general questioning of witnesses, the use of: search warrants, confidential informants, undercover agents, pen registers/trap and trace devices, electronic mobile tracking/monitoring devices, and Title III wire interceptions. Based on my training and experience relating to the investigation of drug traffickers, and based upon interviews I have conducted with defendants, informants, witnesses, and participants in drug trafficking activity, I am familiar with the ways that drug traffickers conduct their business. My familiarity includes: the various means and methods by which drug traffickers import and distribute drugs; their use of cellular telephones and calling cards to facilitate drug activity; and their use of numerical codes and code words to conduct drug transactions.

3. This affidavit is made in support of a criminal complaint against **Marcial Calderon Lopez** and **Jose Diaz Flores** for a violation of 21 U.S.C. § 846, 841(a) and (b)(1)(C), conspiracy to possess with the intent to distribute a controlled substance (heroin) in the Northern District of Texas.

4. The information contained in this affidavit is based on Affiant's investigation. This affidavit is limited in scope to information relevant to this purpose and is not an exhaustive account of all information pertaining to the subject or this investigation.

5. On July 14, 2020, DEA Agents in Dallas, Texas, received information regarding a pending narcotics transaction which was to occur in Mesquite, Texas, later that day. Specifically, Agents received information that an Hispanic male, later identified by Agents as **Marcial Calderon Lopez** ("**Lopez**"), who drives a white, 2009 Ford Ranger with Texas Temporary Tag "73700G3," had arranged to deliver a quantity of heroin to a customer at approximately 7:30 p.m. The meeting was supposed to take place a Chevron gas station located at 4401 N. Galloway Avenue, Mesquite, Texas. Additionally, information provided to Agents indicated that **Lopez** would make contact with an unidentified coconspirator at the gas station prior to delivering the kilogram quantity of heroin to the purchaser. That coconspirator was supposed to be in physical possession of the heroin for the deal.

6. At approximately 6:00 p.m., DEA Agents observed **Lopez** at the Chevron gas station located at 4401 N. Galloway Avenue, Mesquite, Texas, as he met with an

individual in another white pickup truck (Agents confirmed through their surveillance that **Lopez** was in fact driving a white, 2009 Ford Ranger with Texas Temporary Tag “73700G3,” corroborating the information they received earlier). Agents maintained surveillance of **Lopez** as left and proceeded to travel to multiple locations in the nearby area.

7. At approximately 7:30 p.m., Agents observed **Lopez** meet with the individual in the white pickup from earlier at a Valero gas station located at 1717 Oates Drive, Mesquite, Texas. After speaking with the individual in the white pickup for a short time, **Lopez** left the Valero gas station and traveled directly back to the Chevron gas station located at 4401 N. Galloway Avenue, Mesquite, Texas. Once at the Chevron gas station, Agents observed **Lopez** meet with the driver, and sole occupant, of a silver, 2012 Chevrolet Cruz bearing Texas license plate “KCM5575.”

8. At this time, Agents believed, based on their own observations, that the detailed information provided to DEA about the pending narcotics transaction was accurate. Agents then coordinated with Officers from the Mesquite (Texas) Police Department (MPD)—Officers Frias and Moehring—to detain **Lopez** and the driver of the Chevrolet Cruz (later identified as **Jose Diaz Flores** (“**Diaz**”)), to further investigate.

9. At approximately 7:38 p.m., Officers Frias and Moehring made contact with **Lopez** and **Diaz**. **Lopez** was standing outside of **Diaz**’s vehicle, and **Diaz** was sitting inside. **Lopez**’s Ford Ranger was parked directly in front of the Chevrolet Cruz. During the encounter, Officer Frias checked the Ford Ranger for other occupants and

through the window observed a clear baggie that he believed, based on his training and experience, contained suspected heroin on the center console of the Ford Ranger in plain view. At that point, the MPD Officers had **Diaz** step out of his vehicle and detained both **Lopez** and **Diaz** for office safety. During a frisk of **Diaz's** person for weapons, Officers discovered a brick-like object in his pants pocket and, believing it to be a potential weapon, secured the object. Task Force Officer (TFO) Cox, and his narcotics detecting K-9 "Bane," responded to the location and K-9 "Bane" conducted an olfactory search of the exterior of the Ford Ranger and the Chevrolet Cruz. K-9 "Bane" alerted to the presence of the narcotics within both the Ford Ranger and Chevrolet Cruz.

10. TFO Cox also inspected the brick-like object removed from **Diaz's** pants pocket and observed it to be a brick of suspected brown powder heroin. A subsequent probable cause search of **Diaz's** vehicle by TFO Cox revealed a "Whataburger" paper bag containing an additional four bricks of suspected brown powder heroin. **Lopez** and **Diaz** were placed into custody.

11. The suspected heroin was transported to the DEA Dallas Field Division for processing by TFO Roach, where a presumptive field test yielded a positive result for the presence of heroin. TFO Franco weighed the bricks of heroin which had an approximate gross weight of 1,076.8 grams.

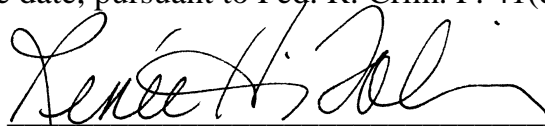
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12. Based on the above information, Affiant believes there is probable cause to believe that **Marcial Calderon Lopez** and **Jose Diaz Flores** committed a violation of 21 U.S.C. § 846, 841(a) and (b)(1)(C), conspiracy to possess with the intent to distribute a controlled substance (heroin) in the Northern District of Texas. Therefore, Affiant requests that a arrest warrants be issued for **Marcial Calderon Lopez** and **Jose Diaz Flores**.



David Roach  
Task Force Officer, DEA

Sworn to before me this 15th day of July, 2020. Affiant's signature confirmed via reliable electronic means on this same date, pursuant to Fed. R. Crim. P. 41(d)(3).



RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE  
NORTHERN DISTRICT OF TEXAS